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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,024	08/25/1999	FRANK SCHAEFER-LORINSER	2345/45	2371

26646 7590 07/09/2002

KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

HUSEMAN, MARIANNE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/202,024

Applicant(s)

SCHAEFER-LORINSER ET AL.

Examiner

Marianne Huseman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 April 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "data blocks", "circuit", "chip card", "security module", "summing counter", "downstream counter", "clock", means for "switching", "latch", means for "subdivid[ing] or reduc[ing]", "tapp[ing]" off of the additional feedback shift register and a "disconnectable" nonlinear feedback shift register must be shown or the feature(s) canceled from the claim(s). A circuit diagram, such as is shown in Patent No. 6,014,446, figure 2, corresponding to Applicants' claims is required. The proposed newly added figure 2 is considered a block diagram and does not satisfy this requirement. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: Is Applicants' "program" actually a means for performing an algorithm? [emphasis added] It is not clear to the Examiner as to what type of device is being claimed nor as to how the term "program" is meant to be interpreted. The term "program" is typically considered to be a software program written in a computer language for the control of computer's hardware; Applicants' appear to be claiming the actual hardware used to perform the algorithm (or algorithm program) and not the written software program that may be used to control the hardware. Applicants' are respectfully requested to clarify their definition of "program" and to clearly state their interpretation in the specification. Please note that Applicants' can be their own lexicographer as long as the term is not repugnant to its accepted meaning. See MPEP § 706.03d.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 15 and 24, it is not clear as to what is meant by "program". See paragraph 2, above.

Further, it is not clear as to the metes and bounds of Applicants' claimed invention; i.e., the language of claim 15 begins with general limitations of debiting from a chip card and adding the cash amount to a security module, however, the language is then directed to actual circuitry with no apparent connection to the general limitations of the chip card.

In claim 24, is the "device" claimed located prior to the program (or algorithm performing means) or is the "device" the algorithm performing means? See paragraph 2, above.

5. In view of the Examiner's lack of a clear understanding of Applicants' invention, as stated above in paragraphs 1 and 2, the claims have not been examined on their merits.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawamura et al, Schrenk and Reiner all teach encoding/encrypting devices utilizing linear feedback with at least one non-linear function. McNair and Bakhoun disclose an authenticator card and system. Ostermann et al, Preneel et al and Taylor disclose methods and systems for enciphering data.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne Huseman whose telephone number is 703-605-4277. The examiner can normally be reached on Monday - Friday, 6:30 AM - 3:00 PM.

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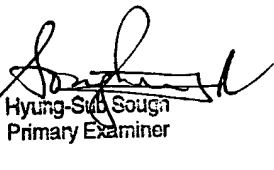
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Marianne Huseman
Examiner
Art Unit 3621

mh
June 30, 2002



Hyung-Suk Soehn
Primary Examiner